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California Regional Water Quality Control Board

Los Angeles Region

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Gray Davis
Governor

Los Angeles Regional Water Quality Control Board Minutes of the May 24, 2001 Board Meeting held at The Richard H. Chambers, U.S. Court of Appeals Bldg. 125 S. Grand Avenue, Pasadena, California

INTRODUCTION

1. The meeting was called to order by Chairman Nahai at 9:10 a.m.

Board Members Present

Susan Cloke, Francine Diamond, Robert Miller, H. David Nahai, Timothy Shaheen, Christopher Pak, and Bradley Mindlin

Board Members Absent

Larry Kosmont

Staff Present

Dennis Dickerson, Jorge Leon, Robert Sams, Deborah Smith, Dennis Dasker, Ronji Harris, Laura Gallardo, Jack Price, Paula Rasmussen, Kwang-il Lee, Mark Pumford, David Hung, C.P. Lai, Arman Toumari, Gary Schultz, Ha Nguyen, Enrique Casas, Rod Nelson, David Koo

Others Present

Jacqy Gamble, Las Virgenes Municipal Water District
Steve Fleischli, Santa Monica Baykeeper
John Embick, TOSCO
Mike Heller, TOSCO
Neil Norcross, BP-Carson Refinery
Don Zylstra, Tetra Tech
Kirsten Roghelot, Process Profiles
Kelly Gharios, City of Los Angeles Sanitation
Phyllis Papen, Alliance for Water Quality
Dexter MacBride, Greater L.A. County
Vector Control District
Gary King, California Trade and Commerce
Mike Curtis, MBC Applied Environmental Sciences
John Terauskis, WGR Southwest, Inc.
Brian Murphy, Surfrider Environmental
Dan Peterson, Marine, Mammal Protection
Committee

Mark Gold, Heal the Bay
Mitzi Taggart, Heal the Bay
Steven Arita, WSPA
Stan Holm, ExxonMobil
Brian Wall, Mayer Brown
Jason Wen, Southern California
Water Company
Doug Walters, City of Los Angeles
Eugene Beeker, Global Services
Ira Robinson, SEAL
Drew Bohan, Santa Barbara
Channel Keeper
Tom Nackuan, Equilon
Mary Rutledge, Asbury Envir
Don Watt, United Foods, Inc.
Bob Boehm, City of Ventura
Carl Ripaldi, Alameda Corridor

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Barbara Macri-Ortiz, United Farm Workers
Janelle Redman, Redman Equipment
Martin Medina, Equilon
Joseph Wong, Black & Veatch
Greg Gilmer, City of Ventura
Sharon Rubalcava, Weston Benshoof
Jack Stewart, California Manufacturer's & Technology
Anita Mangels, Alliance for Water Quality
Donald Rasmusson, American Instrument
Phyllis Paper, Alliance for Water Quality
John Wong, Sheraton Four Points Hotel, Ventura
Susan Clay, County of Ventura

Transportation Authority
Ron Zinner, Kinden, Morgan
Robyn Stuber, USEPA
Tim Hemig, Long Beach Generation
Mike Barranco, Cenco Refining Co.
Susan Livingston, ARCO
Katherine Wagner, Downey Brand
Eugene Becker, Global Sulfur
Dave Rydman, L.A. County DPW
Andrew Jirik, Port of Los Angeles
Kim Uhlich, Environmental Defense
Jason Wen, Southern California
Water Company

Pledge of Allegiance.

1. Roll Call

A roll call was taken.

2. Order of Agenda.

The Executive Officer, Dennis Dickerson recommended the following changes to the Agenda.

- *Item 7.1 (Long Beach Genration LLC), to be heard **after** the refineries.*
- *Item 7.4 (Mobil Refinery),to be heard at a future meeting.*
- *Item 7.7 (Exxon Mobil Corporation), to be heard at a future meeting.*
- *Item 9 (Ojai Valley Sanitary District), to be heard at a future meeting.*
- *Item 10 (City of Fillmore),this Item was continued to the June 28th meeting.*
- *Item 12 (Paradise Ranch Mobile Home Park), to be heard at a future meeting.*

MOTION: By Ms. Diamond, seconded by Mr. Shaheen and approved on a voice vote.

3. Approval of Regular Meeting Minutes of April 26, 2001.

MOTION: By Ms. Cloke, seconded by Mr. Shaheen, and approved on a voice vote.

4. Board Member Ex Parte Communication Disclosure.

Francine Diamond stated she had received a phone call from a representative of United Farm Workers regarding Pictsweet.

Ms. Diamond also indicated that she had lunch with a member of the environmental community, but there was no particular subject of discussion.

Chairman Nahai stated that he had spoken with a chevron representative.



Mr. Nahai stated for the record that he had also had lunch with a member of the environmental community.

5. Public Forum.

Jason Wen, Southern California Water Company expressed his concerns about NPDES Monitoring requirements and the Board's pending distribution of data collection letters.

Dennis Dickerson, Executive Officer invited Dr. Wen to visit with him, at the Board, to discuss these issues.

Drew Bohan, Santa Barbara Channel Keeper gave an overview of the Halaco Engineering. He stated that Halaco is one of the biggest polluters on the south coast. He also made mention of the endangered species of Ormond wetlands, and addressed the groundwater contamination issues. Mr. Bohan asked the Board to go forward with the Cease and Desist Order for Halaco, and to make the cleanup of Halaco a priority.

Susan Clay, Ventura County Supervisor representing Frank Schilo asked the Board to consider scheduling a hearing for Halaco Engineering as soon as possible.

Dennis Dickerson, Executive Officer responded to these comments. Mr. Dickerson mentioned that he has personally visited the Halaco site, and in addition to the Notice of Violation, the Board is in the process of issuing additional enforcement actions to Halaco, which included a Cease and Desist Order (CDO).

Boardmember Cloke asked when the CDO was issued.

Dennis Dasker, Assistant Executive Officer, responded, June 26, 2000.

Ms. Cloke asked that staff prepare and submit a report on the status of Halaco.

Mark Gold, Heal the Bay, informed the Board of a "copper hot spot" found at the Port of Los Angeles with high concentrations of copper, and the plan to clean up the site. He encouraged the Board to be a part of the cleanup decision.

6. Consent Calendar.

There was a motion to adopt the consent calendar as 7.8, 7.9, 8.2 – 8.6

MOTION: By Ms. Diamond, seconded by Mr. Shaheen, and approved on a voice vote.
There was a 10 minute break at 9:50 a.m.

WASTE DISCHARGE REQUIREMENTS

7.2 Tosco Refining Company (Los Angeles Refinery, Carson Plant)



Dennis Dickerson, Executive Officer acknowledge staff who worked on the permit. Mr. Dickerson briefly described facility, gave an overview of the refinery, discharge and compliance history, and recent developments. He stated that there are some complicating factors which include the California Toxics Rule (CTR), and the State Implementation Plan (SIP). He indicated that after April 1, 2002 the CTR based effluent limits will apply.

David Hung, Board staff gave the an update on the dry weather discharge

Mark Pumford, Chief, Watershed Regulatory section at the Board, addressed the various comments that were received, and addressed the responses to the comments from staff. Some of those responses include toxicity language, interpretation of effluent limit calculation consistent with SIP, State Water Resources Control Board (SWRCB), and EPA staff. Mr. Pumford also indicated that there is insufficient data to determine appropriateness of mixing zone dilution.

Deborah Smith, Assistant Executive Officer, recommended the Board could adopt the permit with the change sheet, and a re-opener to be reviewed after one year, and after monitoring and review, the Board revise the permit as necessary.

Chairman Nahai asked staff to respond to the comments received that accused the Board of "precedence setting".

Mark Pumford, Board staff stated that there is definitely no "precedence" setting, and disagrees with the accusation in the letters. He indicated that there are numerous regulations that need to be addressed in this type of permit.

Ms. Diamond asked if there are pollutants in the permit that are not on the 303(d) list.

Robyn Stuber, USEPA, Region 9 made comments that applied to both ARCO and Tosco refineries. She commended staff for their time and effort on this permit. Ms. Stuber talked about the provisions derived from CTR criteria, and the SIP and CTR provisions governing and granting mixing zones.

There was much discussion between the Board and Ms. Stuber on TMDLs in relation to this WDR.

John Embick, Tosco Refining, thanked Mr. Dickerson, Deborah Smith, and Board staff. He addressed reasons why he believes the permit will not work for Tosco. David Hung, Board staff addressed the reasons why the permit will not work Tosco. He made mention of the constituents. He gave some recommendations to the Board, and stated that Tosco does not accept the permit as it is written. He stated that Tosco has asked for TMDL based compliance schedules for the permit because Tosco cannot comply with the permit as it is written.



Board member Mindlin, wanted clarification that if there is a violation, at some point after the violation, would the Board be able to take action if necessary, as the permit is now written.

Jorge Leon, staff counsel clarified that page 17 of the draft is a broad re-opener, numbers 1 through 6. He stated that staff has language that can be used if a violation occurs.

Board member Pak asked if diversion work is under process?

Mr. Embeck replied, "yes".

Others who testified before the Board:

Steve Fleischli, Santa Monica Baykeeper

Stan Holm, Exxon Mobil

Mark Gold, Heal the Bay

Brian Wall, Western States Petroleum Association

After much discussion there was a motion to adopt the proposed Waste Discharge Requirement's with the following changes:

- *Change Sheet(s)*
- *Dilution Credits, new finding 18 on page 4 "The Regional Board has found that there is not sufficient data at the hearing date to justify dilution credits, mixing zones, or TMDL-based compliance schedules. The Regional Board added two reopeners to address this information."*
- *Reopener 1: "This Order may be reopened upon the submission by the Discharger, of adequate information as determined by the Regional Board, to provide for dilution credits or a mixing zone, as may be appropriate."*
- *Reopener 2: "This may be reopened to modify the compliance schedule set forth herein. To qualify for this reopener, pursuant to the SIP AND THE State Board Order WQ2001-06 ("Tosco decision") the Discharger must provide, within one year following completion of the low (DH: **should be dry weather**) flow diversion project as follows:*
 - a. *With respect to copper and zinc, information adequately demonstrating to the satisfaction of the Regional Board that it cannot feasibly comply with the CTR criterion or an effluent limitation based on the criterion within the time provided in this Order and that it has made appropriate commitment to support and expedite TMDL development in the Dominguez Channel.*
 - b. *With respect to mercury and silver, information adequately demonstrating to the satisfaction of the Regional Board that the Discharger qualifies under SIP, Section 2.1 for an extended compliance schedule under the CTR and that it has*



made adequate commitment to support and expedite TMDL development in the Dominguez Channel."

- *Regional Monitoring Program language: "The Discharger may participate in a coordinated receiving water and sediment monitoring program with other dischargers to the Dominguez Channel in order to provide the Regional Board with a comprehensive water and sediment quality database for this water body. Upon approval by the Regional Board of such a coordinated water quality and sediment quality monitoring program, all of the provisions of Section(s) VI [and VII(B)] of this monitoring and reporting program may be revised, as appropriate.*
- *Modification of the Toxicity Requirements language, and add language for "accelerated monitoring".*
- *Add language for finding for compliance schedule maximum duration*

MOTION: By Chairman Nahai, seconded by Ms. Cloke, and approved on a voice vote.

7. Atlantic Richfield Company (Carson Refinery)

Dennis Dickerson, Executive Officer mentioned the letters that were received the morning of the Board meeting, and stated that the letters are being entered as exhibits. He also entered the changes sheets into the record. Mr. Dickerson talked about the compliance schedules, and interim performance-based limits.

Mark Pumford, Chief of Remediation talked about the responses to comments by Board staff.

Deborah Smith, Assistant Executive Officer, talked about unresolved issues, and the proposed compliance schedule for ARCO.

Sharon Rubalcava, Weston Benshoof, counsel to ARCO asked the Board to follow procedures in the Tosco decision for this permit. She stated that ARCO has not met SIP regulations, and has not been able to meet the CTR limits.

Susan Livingston, ARCO stated that there are several major issue to resolve on this matter. She also stated that they have not responded to the permit changes, and asked the Board to grant additional time to do so. She mentioned that ARCO disagrees with the way the CTR limits are calculated. She asked the Board to defer the adoption of this permit today, and informed the Board that the three fineries has pledged \$50,000 for a workplan.

Ms. Cloke asked Ms. Livingston how many stakeholders are involved, and if the participants are broad-based, or community based?

Ms. Livingston replied, broad-based, and includes stakeholders, Enviros, and Regional Board staff.



The Board took a lunch break at 1:00 p.m.

The Board reconvened at 2:09 p.m.

Mark Gold, Heal the Bay stated that ARCO and Tosco do not meet the requirements of the Tosco decision.

Mr. Steven Arita, WSPA, submitted a letter regarding WSPA's commitment to donate \$50,000 towards the workplan.

Chairman Nahai, asked for clarification on the workplan commitment.

Mr. Arita stated, the workplan will focus on structure, and WSPA's best interest and commitment is to help assist and expedite the TMDL process.

Brian Wall, WSPA expressed concerns regarding the refinery permits. He stated that his client disagrees with provisions.

Jack Stewart, California Manufacturer's and Technology Association expressed his concern for provisions of the compliance schedule.

Steve Fleischli, Santa Monica Baykeeper addressed the compliance schedule issue. Mr. Fleischli stated that he does not feel that compliance schedules are authorized and that there's no justification. His opinion is also that a TSO can be issued on this matter.

Anita Mangels, Alliance for Water Quality stated that decisions on this matter will affect a wide range of agencies, sets a precedent, and impacts everyone who uses refinery projects and serves in many capacities. She believes that compliance should be performance-based. Her concerns are based on economic factors, and economic impacts.

Boardmember Mindlin asked if the pledge is unconditional.

Stan Holm, Exxon Mobil agrees with and supports comments by Brian Wall. He stated that mobil has made the commitment to develop TMDLs for Dominguez Channel, and there are no constraints or conditions for the \$50,000 pledge.

Others who gave testimony on this matter:

Phyllis Papen, Alliance for Water Quality

Dexter Mac Bride, Greater Los Angeles County Vector Control District

After some discussion by the Board, there was a motion to adopt the requirements with the following changes:

- *Change sheets(s)*



- *Dilution Credits: finding 19 on page 18; "The Regional Board has found that there is not sufficient data at the hearing date to justify dilution credits, mixing zones, or TMDL-based compliance schedules. The Regional Board added two reopeners to address this information."*
- *Reopener 1: "This Order may be reopened upon the submission by the Discharger, of adequate information as determined by the Regional Board, to provide for dilution credits or a mixing zone, as may be appropriate."*
- *Reopener 2: "This Order may be reopened to modify the compliance schedule set forth herein. To qualify for this reopener, pursuant to the SIP and the State Board Order WQ 2001-06 ("Tosco decision") the Discharger must provide, within one year following completion of the low flow diversion (**DH: should be completion of corrective actions as proposed**), information as follows:*
- *With respect to copper zinc, information adequately demonstrating to the satisfaction of the Regional Board that it cannot feasibly comply with the CTR criterion or an effluent limitation based on the criterion within the time provided in this Order and that it has made appropriate commitment to support and expedite TMDL development in the Dominguez Channel.*
- *With respect to mercury, silver, and nickel, information adequately demonstrating to the satisfaction of the Regional Board that the Discharger qualifies under SIP, Section 2.1 for an extended compliance schedule under the CTR and that it has made adequate commitment to support and expedite TMDL development in the Dominguez Channel."*
- *Page 12, Toxicity Requirements, add language*
- *Page T-15, Section 6, of the monitoring program add an E at the end. "the Discharger may participate in a coordinated receiving water and sediment monitoring program with other dischargers to the Dominguez Channel in order to provide the Regional Board with a comprehensive water and sediment quality database for this water body. Upon approval by the Regional Board of such a coordinated water quality and sediment quality monitoring program, all of the provisions of Section(s) VI [and VII(B)] of this monitoring and reporting program May be revised, as appropriate.*
- *Add language for new finding for compliance schedule maximum duration.*

MOTION: By Chairman Nahai, seconded by Ms. Diamond, and approved on a voice vote.

7.3 Stellar biotechnologies, Inc.

7.4 Channel Island Marine Resource Institute



No presentation was made. Board member Cloke asked for clarification on minor issues, and a motion was made to adopt the WDR, but change the pH numbers in the permits.

MOTION: By Ms. Cloke, seconded by Mr. Shaheen, and approved on a voice vote.

8.1 Alameda Corridor Transportation Authority (Fish Harbor Offset Dredging)

There was a motion to adopt the WDR.

MOTION: By Ms. Cloke, seconded by Mr. Mindlin, and approved on a voice vote.

7.1 Long Beach Generation LLC

Mark Pumford gave the staff presentation. He went over the new effluent monitoring requirements which include acute toxicity, ammonia, and nitrate. Mr. Pumford also talked about intake and receiving water monitoring, and the compliance with the existing permit. He stated he the Governor's Order into account when writing this permit, and talked about the comments received from Lawyers for a Clean Environment.

Tim Hemig, Long Beach Generation LLC made brief comments, and background on the facility.

Steve Fleischli, Santa Monica Baykeeper stated that he believes CTR should apply to this matter as opposed to the Ocean Plan.

Mark Pumford clarified to the Board, why the discharges should be covered under the Ocean Plan.

Deborah Smith, Assistant Executive Officer, stated that this project was viewed as a longer term project. She informed the Board that staff is sending a packet to State Board for review, but, staff recommends the Board move forward, and if State Board reviews the information, and concurs, staff will be able to re-open, and revisit this issue.

Ms. Cloke asked for clarification on the reopener language.

After brief discussion by the Board, there was a motion to adopt the WDR with the following changes:

- *Add re-opener language to the permit.*

MOTION: By Ms. Diamond, seconded by Mr. Mindlin, and approved on a voice vote.

INFORMATION ITEMS

13. Board Member Communications.



14. Executive Officer's Report.
15. Closed Session.
16. Adjournment of Current Meeting.

The meeting adjourned at 7:52 p.m. The next regular meeting is scheduled for July 26, 2001, at the Metropolitan Water District of Southern California, Board Room, located at 700 North Alameda Street, in Los Angeles, at 9:00 a.m.

Minutes adopted at the _____ Regular Board meeting
submitted/amended.

Written and submitted by: _____.

